

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SENCO BRANDS, INC., an Ohio corporation,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 17-598 (GMS)
)	
HITACHI KOKI U.S.A., LTD., a Delaware)	
corporation,)	
)	
Defendant.)	

DEFENDANT HITACHI KOKI'S
RULE 12(b)(6) MOTION TO DISMISS PLAINTIFF'S COMPLAINT

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Hitachi Koki U.S.A., Ltd. ("Hitachi Koki") respectfully moves to dismiss Plaintiff Senco Brands, Inc. ("Senco") allegations of (i) direct infringement in Counts I, II, III, IV, and V; (ii) willful infringement in all Counts; and (iii) indirect infringement in Count VII, and therefore partially dismiss Senco's Complaint for Patent Infringement (D.I. 1). The grounds for this motion are fully set forth in the Opening Brief in Support of Hitachi Koki's Motion to Dismiss, which is being filed contemporaneously with this motion.

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Defendant.)	

ORDER

This Court having considered Defendant Hitachi Koki U.S.A., Ltd. (“Hitachi Koki”) Rule 12(b)(6) Motion to Dismiss Plaintiff’s Complaint, finds that it is well taken and should be GRANTED.

IT IS SO ORDERED that (i) Counts I, II, III, IV, V, and VII; and (ii) allegations of willful infringement in all Counts in Plaintiff’s Complaint are dismissed.

Date: _____

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2017, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on August 7, 2017, upon the following in the manner indicated:

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